THE HONOURABLE SRI JUSTICE G. CHANDRAIAH

W.P. No. 3418 of 2003

ORDER:

Heard the learned counsel for the petitioner.

This writ petition has been filed for issuing writ of *Mandamus* declaring the action of the respondents in issuing auction notice/letter in R.O.C. No.9/03 dated 17-02-2003 as highly illegal, arbitrary, unjust and improper and consequently set aside the same.

The case of the petitioner is that the Agricultural Market Committee, Voyalapadu was established by the Government of Andhra Pradesh in the year 1977 by G.O.Ms. No.50, Food and Agriculture, dated 31-01-1977 to regulate market for purchase and sale of agricultural produce, livestock and products of livestock within the notified area of Voyalpadu Agricultural Market Committee. It is stated that Gurramkonda Grampanchayat, 1st respondent, is within the notified area of Agicultural Market Committee. The Government of Andhra Pradesh issued G.O.Ms. No.458 dated 18-12-2002 declaring the limits of market area, which was notified to regulate purchase and sale of agricultural produce, livestock and products of livestock. The petitioner established the market at Gurramkonda with all amenities in the sub market yard at Gurramkonda on 04-01-2003. The petitioner committee is empowered to regulate purchase and sale of Tomato in the market area. The commodity of tomato is an agricultural produce, which is notified under schedule II at serial number 17 under vegetables group. After issuance of Government

Order dated 18-12-2002, the petitioner intends to regulate the Tomato trade in the sub market yard at Gurramkonda including the limits of Grampanchayat, Gurramkona. As such he intimated to the Panchayat Secretary, Gurramkonda vide office letter No.72/2001 dated 20-12-2002 that he is regulating the Tomato market and requested the 1st respondent not to auction for leasehold rights in respect of Tomato trade for the year 2003-2004. The 1st respondent has not replied to his letter dated 20-12-2002. In fact, all the farmers and the traders including commission agents are willing to establish the Tomato market at Gurramkonda market yard and they are quite against to continue to run the markets by the

1st respondent.

The main contention of the petitioner in this writ petition is that the 1st respondent has no authority to issue impugned notice wherein the 1st respondent negatived the request of the petitioner not to auction Tomato market and the auction will be held in public on 28-02-2003. Placing reliance in the judgment of W.P. No.16733 of 1995 dated 26-09-2001 and also in the case of ***AGRICULTURAL MARKET COMMITTEE, SHAKARPALLI v. GRAMPANCHAYAT SHAKARPALLY***[1], the learned counsel for the petitioner submits that the case in hand is a covered judgment and contended that the market committee has exclusive right to establish the market under the A.P. (Agricultural Produce and Livestock) Market Act, 1996 and the Grampanchayat has no jurisdiction to conduct auction in a notified area of market committee in respect of notified agricultural products, livestock and products of livestock.

In the instant case, since the duration of the auction in the impugned notice is relating to the year 2003-04 which period has already been expired, in view of the same, the writ petition is dismissed as infructuous. However, if the authorities are inclined to take further action in this matter by way of issuing fresh notice, it is open for the petitioner to make representation raising all the grounds and it is for authority to consider the same.

For the above reason, the Writ Petition is dismissed.

No order as to costs.

JUSTICE G. CHANDRAIAH

Date: 05-07-2006

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[1] (1997(5) ALD 798